

Consecutive Office Number 330.

Departmental, 1081

Colonial, 18.

BOARD OF TRADE,

Marine Department,

November 1887.

INSTRUCTIONS

TO

OFFICERS IN BRITISH POSSESSIONS ABROAD.

Merchant Shipping (Colonial) Act, 1869.

The annexed Order in Council dated the 15th day of September, 1887, revokes all Orders previously issued relating to Colonial Certificates of Competency, and consolidates all the regulations now in force relating to their use, issue, delivery, cancellation, and suspension.

As the Colonial Certificates of Competency referred to in the said Order in Council are to have the same force as the similar Certificates granted by the Board of Trade in the United Kingdom, such a Colonial Certificate must be accepted as occupying in every respect the place of one of the latter, and as entitling its bona fide holder to act in the capacity stated in it, or any inferior (but not a superior) capacity in any British ship, all over the world without the possession of a Board of Trade Certificate.

Colonial Certificates will have to be used, produced, and delivered at the times and on the occasions at and on which Imperial Certificates of Competency would have to be used, produced, and delivered.

When it appears from a Certificate (Imperial or Colonial) officially produced to the Officer that its owner possesses other Certificates, their production also should be required, and if

they are not produced their owner's explanation in writing should be demanded and forwarded to the Registrar-General of Seamen with the least possible delay.

Officers in British Possessions abroad are empowered by Regulation 9 attached to the Order in Council to demand, and if necessary detain, any such Colonial Certificate which they have reason to believe has been improperly issued, or has been forged, altered, cancelled, suspended, or to which the person using it is not justly entitled.

Whenever this power is exercised a report of the facts and circumstances must be sent by the Officer, with the least possible delay, to either the Board of Trade or the Government of the Possession in which the Certificate was originally granted or may purport to have been granted, accordingly as communication may be easier and quicker.

As the withdrawal of a Certificate would in some cases entail inconvenience, not only upon its possessor but also upon the owners of the ship and cargo, it is scarcely necessary to caution Officers that the exercise of this power should only be resorted to when the evidence is perfectly clear; and if the ship is bound to the United Kingdom, and the report above mentioned has been sent to the Possession in which the Certificate was originally granted, the Board of Trade should nevertheless be informed of the facts.

Every case of death of a Colonial Certificate-holder which may come to the Officer's knowledge should be reported without delay to the Government of the Possession in which the Certificate was granted.

The attention of Officers and Functionaries in British Possessions abroad engaged in the conduct of Official Inquiries in wreck and discipline cases is directed to the fact that the Certificates to which the Order in Council applies will be liable to cancellation and suspension in precisely the same way as Certificates granted by the Board of Trade under the Merchant Shipping Acts, and by the same Boards, Courts, and Tribunals. The provisions of "The Merchant Shipping Act, 1854," and "The Merchant Shipping Act Amendment Act, 1862," as to Courts of Inquiry will therefore be applicable to the Colonial Certificates in question, with the exception of the provisions specified in the Order in Council.

Attention is further directed to the provision now for the first time inserted in Regulation 6 attached to the Order in Council, under which Colonial Authorities are empowered to issue a lower grade of Certificate in lieu of a Certificate cancelled or suspended by an official Court of Inquiry, if the Court of Inquiry make a recommendation to that effect.

It will be noticed that Regulation 8 attached to the Order in Council provides that the cancellation or suspension of a Certificate shall involve cancellation or suspension of all the other Certificates (if any) possessed by its owner. With the view of carrying this Regulation strictly into effect, it will be desirable that the Court should endeavour to ascertain and should specify in their decision the particulars of all the Certificates possessed by any person whose conduct is the subject of an investigation by them.

In cases of cancellation or suspension of such Colonial Certificates, copies of the report of the Court and of the evidence, together with the respective Certificates, should be sent to the Governments of the British Possessions by whom the several Certificates possessed by the offender were originally granted. A full report upon the case and the evidence should, at the same time, be sent to the Board of Trade, as required by the Act, and the sentence, giving the number of each Certificate dealt with, and the Possession in which it was granted, should be mentioned in it.

The holders of Colonial Certificates which are cancelled or suspended should be referred to the Government of the Possession in which the Certificate was originally granted, instead of to this Board, if they desire to appeal from the sentence or to apply for a mitigation of it.

These instructions must be understood as having reference only to the Certificates referred to in the said Order in Council.

HENRY G. CALCRAFT,

Secretary.

THOMAS GRAY,

Assistant Secretary.

M. 17665
1887.

AT THE COURT AT BALMORAL,

The 15th day of September, 1887.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN
COUNCIL.

WHEREAS by the "Merchant Shipping (Colonial) Act, 1869," it is (amongst other things) enacted, that where the Legislature of any British Possession provides for the examination of, and grant of Certificates of Competency to, persons intending to act as Masters, Mates, or Engineers on board British ships, and the Board of Trade reports to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient as the examinations for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping, and that the Certificates are granted on such principles as to show the like qualification and competency as those granted under the said Acts, and are liable to be forfeited for the like reasons and in the like manner, it shall be lawful for Her Majesty, by Order in Council:—

1. To declare that the said Certificates shall be of the same force as if they had been granted under the said Acts;
2. To declare that all or any of the provisions of the said Acts which relate to Certificates of Competency granted under those Acts shall apply to the Certificates referred to in the said Order;
3. To impose such conditions and to make such regulations with respect to the said Certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

And that upon the publication in the London Gazette of any such Order in Council as last aforesaid, the provisions therein contained shall, from a date to be mentioned for the purpose in such Order, take effect as if they had been contained in the Act, and that it shall be lawful for Her Majesty in Council to revoke any Order made as aforesaid:

And whereas by the Merchant Shipping Act, 1876, it is provided that Her Majesty may, by Order in Council, revoke, alter, or add to any Order in Council made by Her under the Merchant Shipping Acts :

And whereas by various Orders in Council, Her Majesty was pleased to declare that, subject to certain exceptions, conditions, and regulations therein contained or set out in the Schedules thereto, the Colonial Certificates granted as follows, viz. :

1. On or after the 19th day of August, 1871, by the Minister of Marine and Fisheries in Canada, to persons intending to act as Masters or Mates on board British ships, and referred to in an Order in Council dated the 19th day of August, 1871 ;
2. On and after the 12th day of May, 1874, by the head of the Government of the Possession of Malta and its Dependencies, to persons intending to act as Masters, Mates, or Engineers on board British ships, and referred to in an Order in Council dated the said 12th day of May, 1874 ;
3. On and after the 1st day of April, 1876, by the Steam Navigation Board of Victoria, to persons intending to act as Masters, Mates, or Engineers of British sea-going Steam Ships, and referred to in an Order in Council dated the 12th day of February, 1876 ;
4. On and after the 1st day of April, 1876, by the Governor for the time being of the Possession of New Zealand, to persons intending to act as Masters, Mates, or Engineers on board British ships, and referred to in an Order in Council dated the 12th day of February, 1876 ;
5. On and after the 1st day of April, 1876, by the Marine Board of the Possession of New South Wales, to persons intending to act as Masters, First Mates, Second Mates, First Class Engineers, or Second Class Engineers on board British ships, and referred to in an Order in Council dated the 12th day of February, 1876 ;
6. On and after the 1st day of April, 1876, by the Marine Board of the Possession of South Australia, to persons intending to act as Masters, First Mates, Only Mates, Second Mates, First Class Engineers, or Second Class

Engineers on board British ships, and referred to in an Order in Council dated the 12th day of February, 1876 ;

7. On and after the 1st day of April, 1876, by the Governor of the Possession of Tasmania, to persons intending to act as Masters, Mates, or Engineers on board British ships, and referred to in an Order in Council, dated the 17th day of May, 1876 ;
8. On and after the 27th day of June, 1876, by the Lieutenant-Governor of the Possession of Bengal, to persons intending to act as Masters, Mates, or Engineers on board British ships, and referred to in an Order in Council dated the said 27th day of June, 1876 ;
9. On and after the 14th day of May, 1877, by the Governor of the Possession of Newfoundland, to persons intending to act as Masters or Mates on board British ships, and referred to in an Order in Council dated the said 14th day of May, 1877 ;
10. On and after the 11th day of July, 1877, by the Governor of the Possession of Bombay to persons intending to act as Masters, Mates, or Engineers on board British ships, and referred to in an Order in Council dated the said 11th day of July, 1877 ;
11. On and after the 1st day of October, 1877, by the Marine Board of the Possession of Queensland, to persons intending to act as Masters, Mates, or Engineers on board British ships, and referred to in an Order in Council dated the 26th day of March, 1878 ;
12. On and after the 1st day of January, 1884, by the Governor of the Possession of Hong Kong, to persons intending to act as Masters, Mates, or Engineers on board British ships, and referred to in an Order in Council dated the 31st day of December, 1883 ;
13. On and after the 1st day of January, 1887, by the Minister of Marine and Fisheries in the Possession of Canada, to persons intending to act as First Class Engineers or Second Class Engineers of sea-going British ships, and referred to in an Order in Council dated the 10th day of November, 1886,

should be of the same force as if they had been granted under the said Acts, and subject to the conditions and regulations imposed and made by the Board of Trade, and set out in the Schedules to the said recited Orders in Council respectively :

And whereas by Orders in Council of the 29th day of June, 1882, and the 10th day of November, 1886, Her Majesty was pleased to rescind the said Conditions and Regulations (except in so far as the same related to Certificates of Competency granted to Masters, Mates, or Engineers by the Governor of Hong Kong), and to substitute therefor the Conditions and Regulations set out in the Schedule to the said last recited Order in Council, and numbered 1 to 10 respectively, and to declare that the same should apply to all Colonial Certificates granted under any of the said recited Orders :

And whereas it has been made to appear to Her Majesty that it is expedient that the condition and regulation numbered six, set out in the Schedules to the said recited Orders in Council, should be altered so as to allow, upon the recommendation of the Court or Authority which cancels or suspends a Certificate, whether granted by the Board of Trade or by the Government of a British Possession, the grant, to persons whose Certificates have been cancelled or suspended under the provisions of the said recited Acts, or of any Act or Ordinance for the time being in force in any part of Her Majesty's Dominions, of a Colonial Certificate of a lower grade without the previous sanction of the Board of Trade or of the Authority by whom such cancelled or suspended Certificate was originally granted, and that the conditions and regulations set out in the said recited Orders in Council should be rescinded and the said recited Orders in Council revoked, and a new Order in Council containing such modified and amended conditions and regulations substituted in lieu thereof :

Now, THEREFORE, Her Majesty, by and with the advice and consent of Her Privy Council, is hereby pleased—

1. To declare that the Colonial Certificates of Competency granted—

(a) by the Minister of Marine and Fisheries in Canada from and after the 19th day of August, 1871, to persons intending to act as Masters or Mates on board British sea-going ships, and from and after the

1st day of January, 1837, to persons intending to act as First Class Engineers or Second Class Engineers on board such ships :

(b) by the Head of the Government of the Possession of Malta and its Dependencies from and after the 12th day of May, 1874, to persons intending to act as Masters, Mates, or Engineers on board British ships, that is to say:—To Masters of the First Class, or Masters of a Foreign-going ship, to Mates of the First Class or First Mate of a Foreign-going ship, to Mates of the Second Class or Second Mate of a Foreign-going ship, to Engineers of the First Class or First Class Engineers, and to Engineers of the Second Class or Second Class Engineers ;

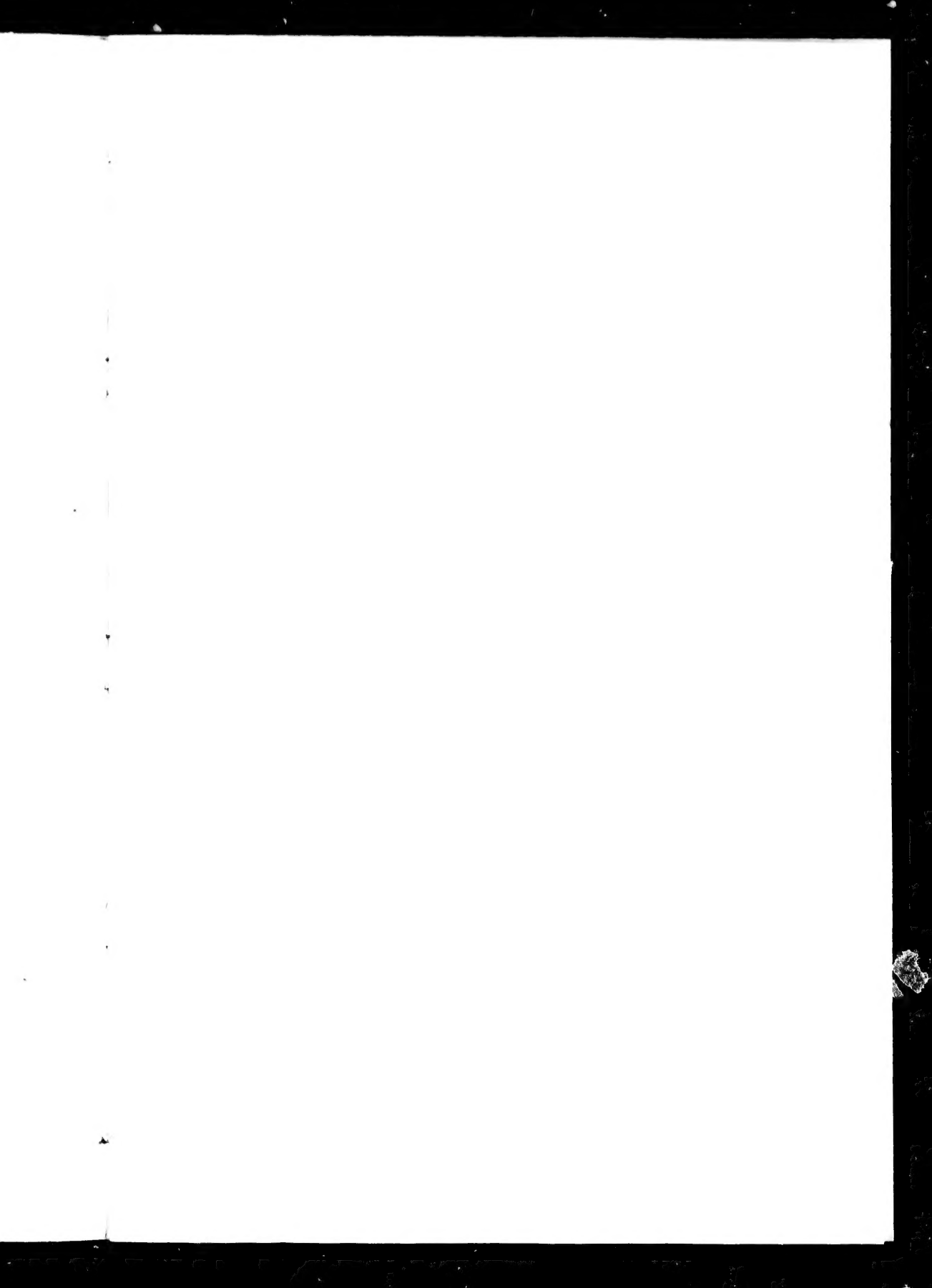
(c) by the Steam Navigation Board of Victoria appointed by the Government of the Possession of Victoria, from and after the 4th day of January, 1870, to persons intending to act as Masters, Mates, or Engineers of Foreign-going British steam ships ;

(d) by the Governor for the time being of the Possession of New Zealand from and after the 1st day of May, 1872, to persons intending to act as Masters, Mates, or Engineers on board Foreign-going British ships ;

(e) by the Marine Board of the Possession of New South Wales, from and after the 18th day of June, 1872, to persons intending to act as Masters, First Mates or Second Mates, or as First Class Engineers, or as Second Class Engineers on board Foreign-going British ships ;

(f) by the Marine Board of the Possession of South Australia from and after the 12th day of May, 1874, to persons intending to act as Masters, First Mates, Only Mates, or Second Mates, or First Class Engineers, or Second Class Engineers on board Foreign-going British ships .

(g) by the Governor of the Possession of Tasmania from and after the 1st day of April, 1876, to persons



intending to act as Masters, Mates, or Engineers on board Foreign-going British ships ;

(*h*) by the Lieutenant Governor of the Possession of Bengal from and after the 27th day of June, 1876, to persons intending to act as Masters, Mates, or Engineers on board Foreign-going British ships ;

(*i*) by the Governor of the Possession of Newfoundland from and after the 14th day of May, 1877, to persons intending to act as Masters or Mates on board Foreign-going British ships ;

(*h*) by the Governor of the Possession of Bombay from and after the 11th day of July, 1877, to persons intending to act as Masters, Mates, or Engineers on board Foreign-going British ships ;

(*l*) by the Marine Board of the Possession of Queensland from and after the 1st day of October 1877, to persons intending to act as Masters, Mates, or Engineers on board Foreign-going British ships ;

(*m*) by the Governor of the Possession of Hong Kong from and after the 1st day of January, 1881, to persons intending to act as Masters, Mates, or Engineers on board Foreign-going British ships,

shall be of the same force as if they had been granted under the said Acts :

2. To declare that all the provisions of the said Acts which relate to Certificates of Competency for the foreign trade granted under those Acts, except so much of the 139th section of "The Merchant Shipping Act, 1854," and of the 10th section of "The Merchant Shipping Act Amendment Act, 1862," as requires the delivery by the Board of Trade to any Master, Mate, or Engineer of a copy of any certificate to which he appears to be entitled as therein mentioned, and except so much of the third subsection of the 23rd section of the said last-mentioned Act as requires, at the conclusion of a case relating to the cancelling or suspending of a certificate, such certificate, if cancelled or suspended, to be forwarded to the Board of Trade, and except the whole of the provisions of the fourth subsection of the same section, shall apply to such

Colonial Certificates of Competency; provided, however, that in the case of New Zealand the foregoing exceptions shall not interfere with or suspend the operation of an Act of the Legislature of New Zealand, intituled "The Merchant Shipping Act Adoption Act, 1869" (32 & 33 Vict., No. 5):

3. To impose and make the conditions and regulations set out in the Schedule A. hereto, numbered 1 to 10 respectively, with respect to the said Colonial Certificates of Competency, and to the use, issue, delivery, cancellation and suspension thereof, and to impose for the breach of such conditions and regulations the penalties therein mentioned:
4. To revoke the conditions and regulations, numbered 1 to 10 respectively set out in the Schedules to the said recited Orders in Council, and to substitute therefor the conditions and regulations set out in the Schedule A. hereto, numbered 1 to 10 respectively, and to declare that, from and after the time when this Order takes effect, the conditions and regulations set out in the Schedule A. hereto shall apply to all Colonial Certificates that may have been or shall be hereafter granted as aforesaid:
5. To declare that this Order shall take effect in each of the said Possessions immediately it is published in the said Possessions enumerated in the Schedule B. hereto, and that all Certificates granted in the said Possession subsequently to the dates named in the Schedule B. and before this Order comes into force shall have the same effect, and be of the same value, and confer the same privileges on the holders thereof as if granted under this present Order.
6. To direct that the said herein-before recited Orders in Council shall be revoked in each of the said possessions on the day on which this Order takes effect therein as provided in the preceding paragraph (5) hereof: provided, however, that the revocation of the said Orders in Council shall not affect or invalidate any Colonial Certificate of Competency previously granted there-

under, or affect the validity or invalidity of anything done under the said Orders in Council before this Order takes effect.

C. L. PEEL.

SCHEDULE A.

CONDITIONS and REGULATIONS with respect to the use, issue, delivery, cancellation and suspension of COLONIAL CERTIFICATES OF COMPETENCY.

Interpretation clause.

In the construction and for the purposes of these conditions and regulations, the following terms shall have the respective meanings herein-after assigned to them, that is to say:—

“*Colonial Certificate of Competency*” shall mean a Certificate of Competency authorised to be granted by the Legislative authority of a British Possession to Persons intending to act as Masters, Mates, or Engineers of British ships on similar principles and conditions as those granted under the Imperial Acts relating to Merchant Shipping.

“*Authority*” shall mean the Governor, Lieutenant-Governor, Administrator, Head of the Government, Minister, Board, Body or Corporation of or in any British Possession for the time being authorised by the Legislature of such Possession to grant Colonial Certificates of Competency.

REGULATIONS and CONDITIONS.

Form of Certificate.

1. A Colonial Certificate of Competency shall be on parchment, and as nearly as possible similar in shape and form to the corresponding Certificate of Competency for the Foreign Trade granted by the Board of Trade under the Acts relating to Merchant Shipping.

Name of Possession to be inserted.

2. A Colonial Certificate of Competency shall have the name of the British Possession in which the same is granted, inserted prominently on its face and back.

Certificates to be numbered consecutively.

3. The Colonial Certificates of Competency granted in each British Possession shall be numbered in consecutive order.

*Lists of Certificates granted, cancelled, &c., to be sent to
Registrar General of Seamen.*

4. The Authority in each British Possession shall furnish the Registrar General of Seamen in London, from time to time, with accurate lists of all such Colonial Certificates of Competency as may be granted therein or as may for any cause whatsoever be cancelled, suspended, renewed, or re-issued; and shall also furnish him with duplicates of the applications for examination made by the persons to whom such Certificates are granted.

Certificates to be granted only upon proof of service at sea.

5. A Colonial Certificate of Competency shall be granted only upon proof that the previous service at sea of the person applying for the same has been such as is required by the regulations for the time being in force in the United Kingdom with respect to certificates of the like grade.

Certificates of Competency granted contrary to this regulation, or upon any false, incorrect or insufficient proof, certificate, or report of service, qualification, conduct, or character shall be regarded as improperly granted.

Certificates not to be granted when former are cancelled.

6. A Colonial Certificate of Competency shall not be granted to any person who may have had a certificate, whether granted by the Board of Trade or by the Government of a British Possession, cancelled or suspended under the provisions of the said Acts or of any Act or Ordinance for the time being in force in any part of Her Majesty's dominions, unless the same is a certificate of a lower grade than the one so cancelled or suspended and is issued upon the recommendation of the court or authority which cancelled or suspended the original certificate, or unless the period of suspension has expired, or unless intimation has been received from the Board of Trade, or the authority by whom the cancelled or suspended certificate was originally granted, to the effect that no objection to the grant of such Colonial Certificate is known to exist, or unless a new certificate has been granted to him by such board or authority; and in the last-named event no such Colonial Certificate of Competency shall be for a higher grade than the certificate so last granted as aforesaid.

Colonial Certificates of Competency granted contrary to this regulation shall be regarded as improperly granted.

Certificates improperly granted may be cancelled without formal investigation.

7. A Colonial Certificate of Competency which appears from information subsequently acquired, or otherwise, to have been improperly granted, whether in the above or in any other respect,

may be cancelled by the authority by which the same was granted, or by the Board of Trade in the United Kingdom, without any formal investigation under "The Merchant Shipping Act, 1854," and the holder of such certificate shall thereupon deliver it to the Board of Trade or such authority or as they or either of them may direct, and in default thereof shall incur a penalty not exceeding fifty pounds, which shall be recoverable in the same manner as penalties imposed by the Acts relating to Merchant Shipping are thereby made recoverable.

Cancellation, &c. of a Certificate shall involve cancellation of all the other Certificates possessed by its Owner.

8. Every decision with respect to the cancellation or suspension of a certificate pronounced by any board, court, or tribunal under the provisions of the said Acts, shall, unless otherwise directed, extend equally to all the Colonial Certificates at the time possessed by the person in respect of whom the decision is made, as well as to all Certificates granted to him under any of the Acts relating to Merchant Shipping, and whether such certificates be specified in such decisions or not.

Certificates believed to be fraudulent may be demanded.

9. Any officer of the Board of Trade, or the Registrar General of Seamen, or any of his Officers, or a Superintendent of a Mercantile Marine Office, or a Consular Officer, or duly appointed Shipping Officer in a British Possession, may demand the delivery to him of any Colonial Certificate of Competency which he has reason to believe has been improperly issued, or is forged, altered, cancelled, or suspended, or to which the person using it is not justly entitled, and may detain such Certificate for a reasonable period for the purpose of making inquiries respecting such issue, forgery, alteration, cancellation, suspension, or possession, and any person who, without reasonable cause, neglects or refuses to comply with such demand shall incur a penalty not exceeding twenty pounds or its equivalent in local currency, which shall be recoverable in the same manner as penalties imposed by the Acts relating to Merchant Shipping are thereby made recoverable.

Suspended Certificates to be re-issued only by Colony by which originally granted.

10. A Colonial Certificate of Competency which has from any cause been cancelled or suspended, shall be renewed or re-issued only by the authority by which the same was originally granted.

SCHEDULE B.

Possession.	Nature of Certificate.	Date.
<i>Canada</i> - -	Masters and Mates - - -	19th August 1871.
" - -	First Class Engineers, and Second Class Engineers - - -	1st January 1887.
<i>Malta, and its Dependencies.</i>	Masters, Mates, and Engineers - -	12th May 1874.
<i>Victoria</i> - -	Masters, Mates, and Engineers -	4th January 1870.
<i>New Zealand</i> -	Masters, Mates, and Engineers - -	1st May 1872.
<i>New South Wales</i> -	Masters, First Mates, or Second Mates, and First Class Engineers, or Second Class Engineers - - -	18th June 1872.
<i>South Australia</i> -	Masters, First Mates, Only Mates, or Second Mates, and First Class Engineers, or Second Class Engineers -	12th May 1874.
<i>Tasmania</i> - -	Masters, Mates, and Engineers -	1st April 1876.
<i>Bengal</i> - -	Masters, Mates, and Engineers -	27th June 1876.
<i>Newfoundland</i> -	Masters and Mates - - -	14th May 1877.
<i>Bombay</i> - -	Masters, Mates, and Engineers - -	11th July 1877.
<i>Queensland</i> - -	Masters, Mates, and Engineers -	1st October 1877.
<i>Hong Kong</i> - -	Masters, Mates, and Engineers - -	1st January 1884.

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